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Attorneys for Defendants
 United States of America
 Social Security Administration

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

MICHAEL COOK,

Plaintiff,

v.

UNITED STATES OF AMERICA AND
 SOCIAL SECURITY ADMINISTRATION

Defendants.

No. C 09 2466 JW
 No. C 09 2467 JW

NOTICE OF RELATED CASES;
 ADMINISTRATIVE MOTION TO
 TRANSFER CASES TO MAGISTRATE
 JUDGE SEEBORG; DECLARATION OF
 JAMES A. SCHARF; AND CONSENT TO
 PROCEED BEFORE MAGISTRATE
 JUDGE

TO THE CLERK OF THE COURT AND TO THE PLAINTIFF HEREIN:

PLEASE TAKE NOTICE that the above-captioned matters are related to the following cases, which have also been filed in this Court by plaintiff Michael Cook, an incarcerated, pro se litigant, against the Social Security Administration and its employees: Case Numbers: C 06 01965 RS; C 06 05950 RS; C 07 06068 RS; C 07 6232 RS; C 07-5085 RS; C 08 03626 RS; and C 09-0482 RS

All of these cases involve plaintiff's allegation that he is entitled to Social Security Administration benefit checks that were returned as undeliverable and uncashed or a request for information pertaining to that dispute. All of these cases have been dismissed by Magistrate

NOTICE OF RELATED CASES AND ADMINISTRATIVE MOTION TO TRANSFER CASE
 TO MAGISTRATE JUDGE SEEBORG
 CV 09 2466 and 2467

1 Judge Seeborg.

2 In his Scheduling Order dated May 19, 2008, in Case No. C 07-5085 RS, Magistrate
3 Judge Seeborg ordered plaintiff to stop filing new complaints regarding this same basic dispute,
4 and to file all further materials pertaining to this same basic dispute in that case. Plaintiff
5 apparently attempted to comply with that Order, but the Clerk filed the complaints under new
6 case numbers, perhaps because C 07-5085 RS has been closed.

7 Defendants contend in each of these cases that plaintiff failed to exhaust his
8 administrative remedies and that plaintiff is not entitled to these checks as a matter of law due to
9 his incarceration. Thus, each of these cases involves the same plaintiff and governmental agency,
10 the same claim, the same witnesses, the same documents, and the same questions of law.

11 Assignment of this case to Magistrate Judge Seeborg is appropriate. As noted, all of
12 these actions concern substantially the same parties, property, transaction or event and it appears
13 likely that there will be an unduly burdensome duplication of labor and expense or conflicting
14 results if the cases are conducted before different Judges. Thus, the cases are related as defined
15 by Local Rule 3-12(a). Moreover, Magistrate Judge Seeborg is well familiar with this particular
16 plaintiff and with the subject matter of these cases, having issued numerous Orders in them,
17 including dismissals for failure to exhaust administrative remedies.

18 For all these reasons, defendants request that all of these cases be deemed related and that
19 the subject case be transferred to Magistrate Judge Seeborg.

20 Defendant hereby consents to proceed before Magistrate Judge Seeborg.

21
22 DATED: June 9, 2009

23 Respectfully submitted,

24 JOSEPH P. RUSSONIELLO
25 United States Attorney

26 /S/
27 JAMES A. SCHARF
28 Assistant United States Attorney

DECLARATION OF JAMES A. SCHARF IN SUPPORT OF NOTICE OF RELATED CASE
AND ADMINISTRATIVE MOTION TO TRANSFER CASE

I, James A. Scharf, declare as follows:

I am an Assistant United States Attorney and am counsel for defendants in each of the above-described cases filed by Mr. Cook.

I declare under penalty of perjury under the laws of the United States of America that the facts describing those cases as set forth above are true and correct, based on my personal knowledge and/or review of those files.

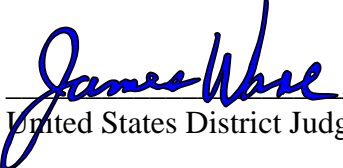
Executed on June 9, 2009, at San Jose, California.

/S/
James A. Scharf
Assistant United States Attorney

****** IT IS SO ORDERED ******

Case No. C 09 2466 JW and No. C 09 2467 JW are related to C 07-5085 RS. The Clerk shall reassign these cases Magistrate Judge Seeborg.

Dated: June 26, 2009


United States District Judge

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**NOTICE OF RELATED CASES; ADMINISTRATIVE MOTION TO TRANSFER CASES TO
MAGISTRATE JUDGE SEEBORG; DECLARATION OF JAMES A. SCHARF; AND
CONSENT TO PROCEED BEFORE MAGISTRATE JUDGE**

MICHAEL COOK v. UNITED STATES OF AMERICA, SOCIAL SECURITY ADMIN.

NO: C 09-2466 JW

NO: C 09-2467 JW

to be served this date upon the party(ies) as follows:

☒ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

to the parties addressed as follows:

**Michael Cook
T-79529
High Desert State Prison
P. O. Box 3030
Susanville, CA 96127**

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of June 2009, at San Jose, California.

/S/

Mimi Lam
Legal Assistant